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September 20, 2022

MEMO ENDORSED

VIA ECF

The Honorable Lewis A. Kaplan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: Dfinity Foundation v. The New York Times Co. et al., No. 1:22-cv-05418
(S.D.N.Y.)**

Dear Judge Kaplan:

We write on behalf of Plaintiff Dfinity Foundation and all Defendants presently defending in this action: The New York Times Company, Andrew Ross Sorkin, and Ephrat Livni; Arkham Intelligence, Inc., Miguel Morel, Zachary Lerangis, and Nick Longo; and Keegan McNamara (the "Parties").¹

Having met and conferred regarding the Court's Order re Scheduling and Initial Pretrial Conference (Dkt. 45) (the "Order"), the Parties do not believe the filing of a pretrial order within six (6) months from the date of the Order is feasible. Accordingly, pursuant to the Order, the Parties intend to appear at the teleconference scheduled for 9/29/2022 at 11:30 AM.

In the interest of efficiency at the conference, the Parties enclose their agreed proposed scheduling order as Exhibit A for the Court's consideration. The defending Parties have either filed or intend to file a motion to dismiss (*see* Dkts. 50, 54), and the Parties agree that other proceedings in this action should be stayed pending a resolution of those motions. For these reasons, the Parties' proposed scheduling order proceeds from the date a defendant files an Answer, which would occur only if the Court denies one or more of the defendants' motions to dismiss.

The action is stayed pending disposition of motions to dismiss. Sept. 29 conf. cancelled

¹ Defendant Charlie Smith was voluntarily dismissed on September 16, 2022. Dkt. 57. Defendant Jonah Bennett has not yet appeared in this action. Plaintiff mailed and emailed the Court's Order (Dkt. 45) to Mr. Bennett on August 29, 2022, but never received any response.

9/27/22